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John W. Dunsmoir

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Section IV:
AMENDMENT UNDER 37 CFR §1.121

REMARKS

(Permitted Revised Format)

Summary of Telephone Interview

On April 9, 2003, the examiner, the examiner's supervisor, and applicant's agent held a telephone interview at the applicant's agent's request in order to clarify differences between the cited art and the claimed invention, and to establish terms of mutually agreeable of definitions and scope. Applicant's agent provided a summary of the differences between the invention and the cited art, which most significantly included the fact that the present invention modifies or changes static portions of web pages (e.g. plain, static HTML, typical hyperlinks, etc.), while both of the cited references process or modify dynamic portions (e.g. CGI, JavaScript, SQL, etc.) of web pages.

Considerable discussion was held regarding the definitions and interpretations of "dynamic" content for web pages, and agreement was reached that neither of the cited references teach or suggested changing of "static" content when considered under the definitions provided by the applicant's disclosure. Additionally, agreement was reached that neither of the references teach or suggest extracting layout definitions from a static portion of a web page to create a layout template.

Discussion continued to detailed consideration of the specific wording of Claim 1. Certain modifications to the wording were considered, and agreement was reached as to changing the step or element which inserts "dynamic content" into the layout template to read as insertion or merging of "alternate content" into the layout template, so as to avoid misinterpretation that the content being inserted *must be* dynamic web page statements such as CGI or SQL statements. Clearly, the disclosure supports inserting *any* alternate content, static or dynamic. Additionally, it was noted that the first step or element of receiving a static web *page* was unnecessarily restrictive, as the disclosed method and system could clearly operate on a *portion of static* web page content. Additionally, clarification was agreed upon regarding the fact that *separable* (e.g. extractable) layout definitions and content definitions were contained in the static web page portion.

Agreement was reached that if these changes were adopted, the examiner would consider the claims patentable over the cited art, but that additional searching based upon the amended claims and understanding of the examiner would likely be performed.

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Objections to the Figures

In the Office Action, the draftsman has objected to Figures 2 and 3 for reasons of unacceptable top margins. Examiner has indicated that formal corrected drawings may be filed at allowance.

Objections to the Claims

In the Office Action, the examiner has objected to claims for 1, 7 and 18 for containing misspelled words. These words each contain overstrike letters such that they appear to be missing a letter, but they are discernable as to their intended meaning. These printing errors have been corrected in the present amendment.

Examiner has also objected to claims 29, 32, 34, 35, and 38 for depending from themselves. Appropriate corrections have been made.

Rejections under 35 U.S.C. §103

In the Office Action, examiner has rejected all claims under 35 U.S.C. §103(a) over US Patent 5,715,453 in view of US patent 6,021,426 to Douglass, or Stewart in view of US Patent 6,121,970 to Guedelia. Douglass and Stewart address methods and systems for handling web pages which contain "dynamic portions", while Guedelia has been cited for its teaching of a "servelet".

Both Stewart and Douglass employ a conventional understanding of the term "dynamic content" or "dynamic portions" as meaning portions of web pages which are not static, such as Dynamic HTML (DHTML) or query language (e.g. SQL, CGI, etc.) portions. For reference and discussion, we present a relevant definition from the Random House Webster's Computer and Internet Dictionary, Third Edition, by Philip E. Margolis (emphasis added):

dynamic HTML: 1. Refers to Web content that changes each time it is viewed. For example, the same URL could result in a different page depending on any number of parameters, such as geographical location of the reader, time of day, previous pages viewed by the reader, profile of the reader. There are many technologies for producing dynamic HTML, including CGI scripts, Server-Side Includes (SSI), cookies, Java, JavaScript, and ActiveX. 2. When capitalized, *Dynamic HTML* refers to new HTML extensions that will enable a Web page to react to user input without sending requests to the Web server. Microsoft and Netscape have submitted competing Dynamic HTML proposals to W3C, which is producing the final specification.

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The cited references themselves, as well as our disclosure, provide definitions of “static web page portions” which are consistent with the common use of the term (emphasis added).

... The first web pages contained static data, meaning that the data on the page would be the same regardless of who accessed the page or when it was accessed. More recent web pages include dynamic data, which means that data on certain portions of the page is subject to change. (Stewart, Col. 1, lines 36 - 41)

FIGURE 2 shows the prior art process of fetching and displaying static HTML pages from a web server over an Internet (3) or Intranet (6). (Our disclosure, page 7, lines 6 - 7)

... The general limitation with basic HTML is that it is generally static in content. After a developer has designed an HTML page, the page is essentially fixed in its content, layout and appearance. Each time a user loads that page, it will look essentially the same as the day it was created by the developer. (Our disclosure, page 7, lines 15 - 18)

The web page upon which Stewart's and Dougkis' processing is performed may have a “static portion”, but their input web pages must have at least one such “dynamic portion”. Stewart and Dougkis have described these dynamic portions of their input or received web pages as having codes or statements which may be function calls to a database to obtain some user-specific information, time-variant information, or other types of dynamic web content special languages (e.g. Java, JavaScript, etc.), consistent with the use of the term in the industry.

So, their input web pages are essentially incomplete by themselves (e.g. they cannot be directly presented to the user in a standard web browser) – they must be completed by performing database accesses or other data retrieval operations to obtain the needed “dynamic” information, which is merged with the “static portions” of the base page to yield a page with customized content.

As such, both the Stewart and Dougkis systems require as input a web page having at least one dynamic portion already in it, such as already having a CGI or SQL function call encoded in the rest of the HTML of the base page. Further, neither the Stewart or the Dougkis systems process or change the static portions of the input web pages – they only process the dynamic portions.

Our system, however, addresses a different need and set of web pages which exist in the Internet and on intranets. There are many, many web pages which contain only static content without any codes

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for dynamic content, and many, many other web pages which need to have their static portions modified on a user-preference, time-dependent, user ID, or other basis.

The "static portions" of these pages do not include by definition any query language (e.g. SQL, CGI, etc.) or other dynamic content language (e.g. JavaScript, DHTML, etc.), else they would be dynamic portions, not static portions. In many cases, these static pages and static portions of pages were originally designed to be unchanging from one user to another, from one time to another, etc.

So, we have appropriately claimed that our system produces web pages having changing content (e.g. dynamic content) from static web pages and from static portions of web pages, unlike the Stewart and Douglass methods which assume that their input of dynamic web pages has been produced somehow before their methods are executed or run. For reference, here is a reproduction of our independent claim 1 as originally filed with added emphasis:

1. The method of producing dynamic web page content for transmission on a computer network, comprising the steps of:
 - receiving at least one static web page, said static web page containing layout and content definitions;
 - extracting said layout definitions from said static web page thereby creating at least one template web page; and
 - mapping dynamic web content into said template web page, thereby creating at least one dynamic web page containing said dynamic content.

Douglass and Stewart, however, require that the base page which is received and processed is not a static web page portion, but instead is a page containing at least one dynamic portion such as a query language, function call, or DHTML statements, as evidenced by the following quotes (emphasis added):

From Stewart's Patent:

A number of language processors are provided for handling the possible different types of function calls that query dynamic data. (Abstract)

The first web pages contained static data, meaning that the data on the page would be the

same regardless of who accessed the page or when it was accessed. More recent web pages include **dynamic data**, which means that data on certain portions of the page is subject to change. (Col. 1, lines 36 - 41)

These web servers typically have hard-coded transaction processors that **detect a specific type of query for dynamic data within the HTML page data**, and that perform the necessary accesses to a dedicated data source to retrieve the dynamic data. (Col. 1, lines 53 - 59)

As discussed in the Background section, when this web technology began, web pages **contained only static data**. ... Later methods were developed to introduce dynamic data into web pages. (Col. 3, lines 30 - 36)

The next step is to determine whether the selected web page **contains dynamic data**. ... by scanning the HTML section for **SQL queries** for dynamic data. **If an SQL query for dynamic data exists** in the HTML section being processed (step 522=YES), then the SQL query is located (step 534), then passed to language processor 230 (step 526). (Col. 6, lines 60 - 63)

... if the web page request is for a page that contains dynamic data, the URL for the page **will contain a special parameter such as a cgi-bin parameter**... (Col. 8, lines 20 - 21)

Transaction processor 124 then determines if the selected HTML section has **a function call for dynamic data** (step 522). (Col. 8, lines 43 - 45)

Any form of indicia indicating that dynamic data **is required in the page** falls within the scope of the present invention. (Col. 9, lines 16 - 17)

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From Douglass' Patent:

The information resources are made up of at least a static and dynamic portion.

(Abstract)

The dynamic portion contains the bindings of macro-variables to strings specific to the given access. (Col. 2, lines 45 - 46)

The resource presumably is made up of at least a static portion and a dynamic portion. (Col. 3, lines 36 - 38)

... a document written in Hypertext Markup Language (HTML) containing both static and dynamic portions... (Col. 3, lines 38 - 50).

As apparent from these statements and others in the Stewart disclosure and in the Douglass disclosure, neither teach or suggest:

extracting said layout definition from said static web page thereby creating at least one template web page; and
mapping dynamic web content into said template web page, thereby creating at least one dynamic web page containing said dynamic content.

In one instance, the Stewart patent actually teaches away from changing static portions or static web pages (emphasis added):

When dynamic data needs to be displayed on a web page, certain steps must be taken that are not required for static web pages. (Col. 5, lines 64 - 66)

Additionally, Stewart's invention requires two items not available in our environment of processing static web pages and static web page portions, namely a "configuration file" and statements within the page to be processed for queries or function calls. Stewart's dependence on these two items

are stated many times over throughout the disclosure, especially with respect to SQL and CGI function calls, and including the following citations (emphasis added) with reference to Stewart's "configuration file":

A web server computer system includes a transaction processor that **reads a configuration file** to determine how to handle incoming function calls to retrieve dynamic data by querying a data source. ... When a function call within a web page corresponding to a query for dynamic data is encountered, the transaction processor determines **from the configuration data** which language processor will handle this specific function call, and passes the function call to the appropriate language processor. (Abstract)

A web server according to the present invention includes a transaction processor that **reads a configuration file** to determine how to handle incoming queries to dynamic data sources. (Col. 2, lines 8 - 11)

When transaction processor 124 is initialized, it reads **configuration file** 128 to correlate different types of queries to different language processors 130. (Col. 4, lines 25 - 28)

As such, employing the Stewart invention in combination with the Douglass invention as proposed in the Office Action would result in an **inoperative method or system** (e.g. Stewart's process needs the missing configuration file and missing dynamic data queries in the base web page), and would render the primary reference (Stewart's patent) **unsuitable for its intended purpose**. As such, there can be no finding of motivation to make such a combination, per MPEP guidelines and court established doctrine.

The Guedelia has not been cited as providing suggestion or teaching of modifying static web page portions. Thus, all claims, especially as amended, are patentably distinguished over the cited art for the following reasons:

1. The combination or modification of the references in the manner suggested by the examiner would render the primary reference inoperable or unsatisfactory for its intended purpose. MPEP § 2143.01 states:

If [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

The facts derived from the references and set forth below indicated that the suggested combination or modification would render the primary reference inoperable or unsatisfactory for its intended purpose. Therefore, the rejection is unsupported by the cited art, and its withdrawal is requested.

- i. to apply the proposed combination of Stewart and Douglass in the environment of our invention in which no "configuration file" is available would render the primary reference inoperable; and
- ii. to apply the proposed combination of Stewart and Douglass in the environment of our invention in which no "dynamic portion" or "dynamic content" such as CGI, SQL, etc., is present in the received or input file would render the primary reference inoperable.

2. The references teach away from the examiner's proposed combination. MPEP §2145 states:

It is improper to combine references where the references teach away from their combination.

The facts derived from the references and set forth below indicated that the references teach away from their combination. Therefore, the rejection is unsupported by the cited art, and its withdrawal is requested.

- i. Stewart specifically states that steps to modify static portions of web pages are not necessary, thereby indicating an unrecognized need in the art which our invention addresses and assuming that all web page content that needs to vary from time to time or user to user is known at the time of designing the page such that special dynamic content can be designed in.

3. The combination or modification of the references in the manner suggested by the examiner does not teach all the claimed elements, steps, or restrictions. MPEP §2143.03 states:

All Claim Limitations Must Be Taught or Suggested. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

The facts derived from the references and set forth below indicate that the examiner's suggested combination and modification of the cited references does not teach all claimed elements, limitations or step. Therefore, the rejection is unsupported by the art and should be withdrawn.

- i. Stewart, Douglass and Guedelia fail to teach or suggest extracting layout definitions from a static portion of a web page;
 - ii. Stewart, Douglass and Guedelia fail to teach or suggest generating a layout template from extracted layout definitions; and
 - iii. Stewart, Douglass and Guedelia fail to teach or suggest creating a new web page by combining the extracted layout definitions with alternate content, thereby creating a page with changed "static" content from the original page.
4. Motivation or suggestion to make the examiner's combination or modification of the references is not found in the cited art. MPEP §2143.01 states:

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art.

Examiner's finding of where such motivation or suggestion is not provided in the Office Action.

Conclusion

It has been established that the rejections are not supported by the cited art, especially in view of the clarifying amendments to the claims. Reconsideration of all rejections <and traversed objections> is hereby requested.